

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rogelio PEREZ-Gonzalez,

Defendant

Magistrate Docket No. 08 MJ 0832

FILED  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

BY CP DEPUTY

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **March 14, 2008** within the Southern District of California, defendant, **Rogelio PEREZ-Gonzalez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

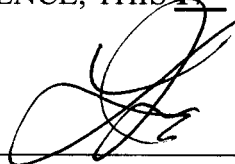
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Ismael A. Canto  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 17<sup>th</sup> DAY OF MARCH 2008.



Leo S. Papas  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**

**Rogelio PEREZ-Gonzalez**

**PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On March 14, 2008, Senior Patrol Agent V. Sivilli was conducting line watch operations near Tecate, California. Agent Sivilli is currently assigned to the Brown Field Border Patrol Station and was performing his assigned duties in full duty uniform.

At approximately 10:30 a.m., Agent Sivilli responded to a seismic sensor activation near Barrett Honor Camp, which is located approximately 10 miles north and 5 miles west of the Tecate, California Port of Entry. Agent Sivilli arrived to the area, and observed approximately thirteen individuals. Agent Sivilli advised Border Patrol Agents T. Zacharko and J. Tedford via service radio of the individual's location. Agents Zacharko and Tedford identified themselves as United States Border Patrol Agents in both the English and Spanish languages.

Agents Zacharko and Tedford then questioned the individuals as to their immigration status. All of the individuals admitted to being citizens and nationals of Mexico. One individual, later identified as the defendant **Rogelio PEREZ-Gonzalez**, stated that he was a citizen and national of Mexico and was not in possession of proper immigration documents that would allow him to be or remain in the United States legally. All of the individuals, including the defendant, were placed under arrest and transported to the Brown Field Border Patrol Station for processing.

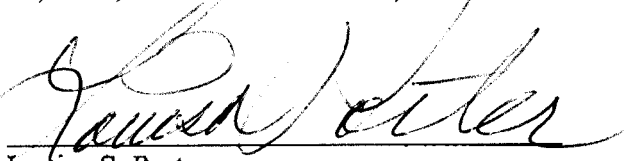
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on February 26, 2008 through Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on March 16, 2008 at 9:30 am.



Terri L. Dimolios  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **March 14, 2008**, in violation of Title 8, United States Code, Section 1326.



Louisa S. Porter  
United States Magistrate Judge

3/16/08 11:00 AM.